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**DATE: October 18, 2006** 

Application No: 10/566,082

Our Ref: 7865-276 MIS:jb

TO:	FAX#	PHONE #
US Patent and Trademarks Office	(571) 273-8300	
Mail Stop Petition		

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FROM: Michael I. Stewart / (416) 849-8400

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T-357 P.002/023 F-876

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Application Number Under the Paperwork Reduction Act of 1995, no persons Filing Date TRANSMITTAL First Named Inventor Brent E. Groen **FORM** An Unit Examiner Name (to be used for all corresponder.co after Initial filling) Attomey Docket Number 7885-278 MISSI Total Number of Pages in This Submission (Chock all that apply) **ENCLOSURES** After Allowance Communication to TC Drawing(6) -X Fee Transmittel Form Appeal Communication to Board of Appeals and Interferences Licensing-related Papers Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Pelition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Other Enclosure(s) (please identify Affidavits/declaration(s) Terminal Disclaimer below): Extension of Time Request Declaration with Exhibits I to III Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Remarks Certified Copy of Priority Document(s) Reply to Missing Parts/ × Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Flm Name Sim & McBurney Signature Printed name Michael I. Stewart 24.973 Date October 18, 2006 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mall in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signaturo October 18, 2006 Date Michael I. Stewart Typed or printed name

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ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 1 8 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n. No.

10/566,082

Applicant

Brent E. Green

Title

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

Docket No.

7865-276 MIS/jb

Customer No.:

24223

Date

October 18, 2006

BY FACSIMILE

(571) 273-8300

Mail Stop Petition Commissioner of Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 U.S.A.

# PETITION TO ACCEPT APPLICATION UNDER 37 CFR 1.47(a)

Petition is hereby made under the provisions of 37 CFR 1.147(a) to proceed with this application in the absence of a Declaration and Power of Attorney sighed by inventor Radka Milanova.

Submitted herewith in support of this Petition are:

- Declaration and Power of Attorney document signed by Brent E. 1. Green and James Logie.
- Declaration and Power of Attorney signed by Brent E. Green, 2 and James Logie on behalf of Radka Milanova.
- Copy of Notification of Missing Requirements. Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of four months of the period for submission of a response to the Notification of Missing Requirements.
- Authorization to charge the Extension Fee, Surcharge Fee and 4. Petition Fee to our deposit account, and

Application No.: 10/566,082 Petitlon dated: October 18, 2006

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5. Declaration of Michael I. Stewart with respect to the facts upon which this Petition is based.

Having regard to the contents hereof, it is submitted that the Petition should be granted.

Respectfully submitted,

Michael I. Stewart Reg. No. 24,973

Toronto, Ontario, Canada Phone No.: (416) 849-8400 FAX No.: (416) 595-1163

T-357 P.005/023 F-876

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Each inventor's residence, mailing address, and citizenship at	re as stated below	uext to men name:	
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[Page 2 of 2]

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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Tradumark Office Address COMMERICATER FOR PATENTS P.O. Box 140 Alacanita, Vigida 22311-1450 www.bspla.gav

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY, DOCKET NO.

10/566,082

Brent E. Green

7865276MISib

INTERNATIONAL APPLICATION NO. PCT/CA04/01433

I.A. FILING DATE

OC000000018690716\*

PRIORITY DATE

07/30/2004

08/01/2003

24223 SIM & MCBURNEY 330 UNIVERSITY AVENUE **6TH FLOOR** TORONTO, ON M5G 1R7 CANADA

EIM & MCEURNEY STALITATIONAL ASSISTANCE MEMORY UP

CONFIRMATION NO. 5501 371 FORMALITIES LETTER

Date Mailed: 05/05/2006

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/27/2006
- Copy of the International Search Report filed on 01/27/2006
- Oath or Declaration filed on 01/27/2006
- U.S. Basic National Fees filed on 01/27/2006
- Priority Documents filed on 01/27/2006
- Specification filed on 01/27/2006
- Claims filed on 01/27/2006
- Abstracts filed on ()1/27/2006
- Drawings filed on 01/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

\$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

#### VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO. 10/566,082	INTERNATIONAL APPLICATION NO. PCT/CA04/01433	ATTY, DOCKET NO. 7865276MISjb
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FORM PCT/DO/EO/905 (371 Formalities Notice)

T-357 P.013/023 F-876

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Under the paperwork Reduction Act of 1995, no persons are requi		Docket Number (Option	al)
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Four months (37 CFR 1.17(a)(4))	\$1590	<b>\$7</b> 95	\$ 1,580.00
Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$
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attorney or agent of record.	Registration Number	24,973	<u> </u>
attorney or agent under 37 C	CFR 1.34. nder 37 CFR 1.34		
101		October 18,	2006
Signature			Date
_		(416) 849-84	100
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This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and automitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chiof Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

T-357 P.014/023 F-876

OCT 1 8 2006

PTO/SB/17 (01-06)
Approved for use through 07/31/2008, OMB 0651-0032 U.S. Parent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act or 1995 no persons are required to respond to a collection of Information unless it displays a valid OMB control number Complete if Known Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). 10/566,082 Application Number Filing Date Brent E. Green First Named Inventor For FY 2006 Examiner Name Applicant claims small entity status. See 37 CFR 1.27 Art Unit 7865-276 MIS Attorney Docket No. 260.00 TOTAL AMOUNT OF PAYMENT METHOD OF PAYMENT (check all that apply) Other (please identify): None Credit Card Money Order Deposit Account Name: Sim & McBurney Deposit Account Deposit Account Number: 192253 For the above-Identified deposit account, the Director is hereby authorized to: (check eli that apply) Charge fee(s) indicated below, except for the filing fee Charge fee(s) Indicated below Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.) 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **EXAMINATION FEES** SEARCH FEES . FILING FEES Small Entity Small Entity Fees Paid (\$) Small Entity Fee (\$) Eee (\$) Fee (\$) Eee (1) Fea (\$) Application Type Fee (5) 200 100 500 250 150 300 Utility 65 130 100 50 100 200 Design 80 160 150 300 100 21)0 Plant 300 600 250 500 300 150 Reissuc Ò n 0 O 100 200 Small Entity Provisional Fee (5) Fee (\$) 2. EXCESS CLAIM FEES 50 Fee Description Each claim over 20 (including Reissues) 200 100 Each independent claim over 3 (including Reissucs) 180 360 Multiple dependent claims Multiple Dependent Claims Foe Paid (\$) <u>Feo (\$)</u> Fee Paid (\$) Extra Claims Total Claims Foe (\$) HP = highest number of total claims paid for, if greater than 20. Fee Pald (\$) Fec (\$) Extra Claims Indep. Claims - 3 or HP = HP = highest number of independent claims paid for, if greater than 3. If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee Pald (\$) Fee (\$) / 50 = - 100 = Fees Paid (\$) 4, OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount) 260.00 Other (e.g., late filing surcharge): Potition Fee (130.00), Surcharge Fee (130.00) Telephone (416) 849-8400

SUBMITTED BY Registration No. 24,973 (Attomey/Agent) Date October 18, 2006 Signature

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS application. ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T-357 P.015/023 F-876

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n. No. :

10/566,082

**Applicant** 

Brent E. Green

Title

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

Docket No.

7865-276 MIS/jb

Customer No.:

24223

Date

October 18, 2006

BY FACSIMILE

(571) 273-8300

Mail Stop Petition Commissioner of Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 U.S.A.

## DECLARATION UNDER 37 CFR 1.47(a)

- I, Michael I. Stewart of 1180 Carey Road, Oakville, Ontario, Canada, L6J 2E4 declare as follows:
- I am registered to practise before the PTO under Registration 1. No. 24,973 and am responsible for the preparation, filing and prosecution of this application.
- This application names Brent E. Green, Rakda Milanova and James Logie as co-inventors. The beneficial owner is Burcon Nutrascience (MB) Corp. ("Burcon"). This application was filed on January 27, 2006 as a US National Phase filing under 35 USC 371 from PCT/CA2004/01433 filed July 30, 2004.
- When I reported out the filing of this application to my contact person at Burcon's headquarters in Vancouver, I forwarded the Declaration and Power of Attorney requiring execution by inventors Green and Logie to their Immediate supervisor, Martin Schweizer, at Burcon's research faculty in Winnipeg with a copy of the reporting letter. I also forwarded the Declaration and Power of Attorney requiring execution by the inventor Radka Milanova along with a copy of

Application No. 10/566,082 Declaration dated: October 18, 2006

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published PCT application for reference to Radka Milanova along with a copy of the reporting letter to her last known address. The last known address of Radka .

Milanova is:

605-1749 Robson Street Vancouver, British Columbia Canada, V6G 1E1.

I am attaching as Exhibit I, a copy of the letter addressed to my contact person.

- that we had been unable to obtain the signature of Radka Milanova with regard to a Declaration and Power of Attorney on behalf of Lei Xu, a non-signing inventor in Application No. 10/517,987. I note that Radka Milanova signed the Declaration and Power of Attorney for Application No. 10/902,102, an application bearing the same title as this application and identical in technical content to this application. A copy of that Declaration and Power of Attorney document is enclosed as Exhibition II.
- 5. When I received no reply from Radka Milanova, I forwarded a follow up letter with a copy of the papers and a copy of that follow-up letter is appended as Exhibit III. No response has been received from Radka Milanova, consistent with her action with respect to Application No. 10/517,987. It is submitted that the pattern of activity by Radka Milanova is tantamount to a refusal by Radka Milanova to execute the Declaration and Power of Attorney for this application.
  - 6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and

Application No. 10/566,082 Declaration dated: October 18, 2008

3

that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario, on 18th day of October, 2006.

Michael I. Stewart

### **EXHIBIT** (1 of 2)

# Sim & McBurney

Patent and Trade Mark Agents

330 University Avenue 6th floor Toronto, Canada MSG IR7

Telephone (416) 595-1155 Fax (416) 595-1163

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Please Quote

Our ref.

7865-266 to -277 MIS:jb

Your ref.

Writer's Direct Dial: (416) 849-8400

E-mail:

mistewart@sim-mcburney.com

March 6, 2006

Margo Osinski **Burcon Group Limited** 1946 West Broadway Vancouver, British Columbia V6J 1Z2

Dear Margo:

Sec. 252. 7.2

. <sub>N</sub>. 3 - 2 -

**New National Phase Patent Applications** 

pursuant to PCT/CA2004/001433

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

In accordance with your instructions, I have proceeded with National Phase applications in Australia, Brazil, Canada, China, Europe, Japan, South Korea, Mexico, New Zealand, South Africa, Russian Federation and United States of America. The National Phase applications are identified individually by file numbers, as follows:

Australia	7865-267	Brazil	7865-268
Canada	7865-269	China	7865-270
Europe	7865-271	Japan	7865-272
South Korea	7865-273	Mexico	7865-274
New Zealand	7865-275	South Africa	7865-266
U.S.A.	7865-276	Russian Federation	7865-277

The Canadian and US cases were filed with the same claims as the International application. I have prepared new sets of claims with respect to other jurisdictions and enclose a set of claims as filed in Australia, New Zealand and South Africa, a set of claims as filed in Europe, a set of claims as filed in Russian Federation and a set of claims as filed in Brazil, China, Japan, South Korea, Mexico.

-2-

I have sent the papers requiring execution by Brent Green and James Logie directly to Winnipeg Office with a copy of this letter. I have also directly forwarded documentation requiring execution by Radka Milanova with a copy of this letter.

The filing particulars for these applications will be reported to you when received. I will keep you advised of developments.

Yours very truly,

SIM & McBURNEY

By:

M.I.Stewart/jb Enclosure(s)

cc: Martin Schweizer Radka Milanova

#### EXHIBIT II (1 of 3)

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inder the Pegerwork Reduction Ara of 1995, no persons are required to me	Attorney Docket	7865-276 MIS:Jb	
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PATENT APPLICATION (37 CFR 1.63)  Declaration Submitted With Initial Filing  Part Initial Filing  Declaration Submitted after Initial Filing  Application Number  Filing Date  Art Unit Examiner Name	
Declaration Submitted OR Submitted effect Initial Filing (surcharge (37 CFR 1.16 (e)) required)  Application Number  Filing Date  Art Unit  Examiner Name	
Declaration Submitted With Initial Filing Filing Submitted after Initial Filing Filing Filing Submitted after Initial Filing Filing Filing Filing Filing Date  Art Unit Examiner Name	
Declaration Submitted Submitted With Initial Filing	
With Initial (37 CFR 1.16 (e)) Examiner Name Filling required)	
hereby declare that:  Each inventor's residence, mailing address, and citizenship are as stated below next to their name.  I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claim which a patent is sought on the invention entitled:  PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE	ned and for
PROCESS FOR PREPARATION OF THE STATE OF THE	
(Title of the Invention)	
the specification of which	
is attached hereto	
OR Application Number of	act International
national on United States Application	
was filed on (MM/DD/YYYY) as United the second seco	(if applicable).
Application Number PCT/I:A2004/001433 and was amended on (MM/DD/YYYY)  I hereby state that I have reviewed and understand the contents of the above identified specification, including the contents of the above identified specification, including the contents of the above identified specification.	ng the claims, as
Application that I have raviewed and understand the contents of the above identified specific	
I hereby state that I have reviewed and interestant to above amended by any amendment specifically referred to above amended by any amendment specifically referred to above.  I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR acknowledge the duty to disclose information which became available between the filling date of the content of the content is post applications.	1.56, Including for
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I acknowledge the day continuation-in-part applications, material information which became application. continuation-in-part applications and the national or PCT international filing date of the continuation-in-part application. and the national or PCT international filing date of the continuation-in-part application. I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application which design inventor's or plant breeder's rights cartificate(s), or any PCT international application country other than the United States of America, listed below and have also identified below, by checking the country other than the United States of America, listed below and have also identified below, by checking the country other than the United States of America, listed below and have also identified below, by checking the country other than the United States of America, listed below and have also identified below, by checking the country other than the United States of America, listed below and have also identified below.	the box, any foreig
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application for patent, invertor's or plant breads application for patent breads application on which priority is claimed.  Foreign Filing Date  Not Claimed  YES	NO
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[Page 1 of 2]

This collection of information is negative by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 (and 37

#### **EXHIBIT II**: (2 of 3)

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U.S. Petent and Tradament Office; U.S. DEPARTMENT OF COMMERCE

Under the Peperwork Reduction A.d of 1995, no potents are required to respond to a collection of Information unless it contains a valid OMB control number: **DECLARATION** — Utility or Design Patent Application Correspondence **OR** ~ address below The address Direct all associated with correspondence to: Customer Number: Name Sim & McBurney Address 6th Floor, 330 University Avenue ZIP State M5G 1R7 City Ontario Fmall Toronto Telephone mailsim@sim-mcbumay.com Country (416) 595-1155 Canada Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card application to releasing the application of all issued paters (see at one interpolation file and therefore are not authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. petition has been filed for this unsigned inventor NAME OF SOLE OR FIRST INVENTOR: Family Name or Surname Given Name (first and middle [if any]) Green Date Arent E. Inventor's Signature Citizenship Country State Canadian Residence: City Canada Manitoba Winnlpeg Mailing Address 586 Rathger Avenue Country Zip Canada State R3L 1G4 City Maniloba supplemental sheel(s) PTO/SB/02A or 02LR attached herato. Winnipeg Additional triveniors or a legal representative are being named on the

[Page 2 of 2]

## EXHIBIT II (3 of 3)

PTO/SB/02A (09-04) Approved for use through 07/31/2008. OMB 0551-0032
U.S. Patent and Tradomark Office; U.S. DEPARTMENT OF COMMERCE

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Residence: City				•			
5-1749 Robson Street							
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Winnipeg Residence: City co Burcon Nutrascience (MB) Corp , 1388 Waller Avenue				Country		Canad	Cltizenship
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tf you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

#### EXHIBIT III

Sim & McBurney

Patent and Trade Mark Agents

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TECHNICAL ASSISTANTS KENNETH K. MA, Phil

Please Quote

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July 10, 2006

Radka Milanova 605-1749 Robson Street Vancouver, British Columbia V6G 1E1.

Dear Radka:

RE:

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المستناسين والمساورة

La Thirthia H

gast waste 12 July 20 ا معمد الحداث US Patent Application No. 10/566,082

pursuant to PCT/CA2003/000934

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

Further to my letter of March 6, 2006 to Margo Osinski, a copy of which is enclosed, I do not appear to receive the executed papers and I enclose a new Declaration and Power of Attorney document for execution in the event the original one has been mislaid. We have until August 5, 2006 to file the executed Declaration, if further extension fees are to be avoided. I look forward to the return of the executed paper shortly.

Yours very truly,

SIM & McBURNEY

By:

Michael I.Stewart/jb Enclosure(s)

cc: Margo Osinski